IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 17850 of 2006(Y)

AGAINST THE ORDER IN EP 22 /2003 IN
OS.162/1994 of FAMILY COURT, THIRUVALLA
.....

PETITIONER:

T.M. MATHEW, AGED 62 YEARS,
S/O. T.M. MATHAI, THONDIPARAMBIL,
THIRUVALLA-1.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS:
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1. RAMANY @ MARY MATHEW,
D/O. P.V. JOSEPH, PALAKKAL, LAKSHMI NAGAR,
T.C.3/1390, PATTAM PALACE,
THIRUVANANTHAPURAM.

2. ANN MATHEW, D/O. T.M. MATHEW,
PALAKKAL, LAKSHMI NAGAR, P.C.3/1390,
PATTAM PALACE, THIRUVANANTHAPURAM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.17850/06)

EXT.P1: TRUE COPY OF JUDGMENT DT. 3/6/2002 IN OS.162/94.

EXT.P2: TRUE COPY OF PETITION IN EP.22/03.

EXT.P3; TRUE COPY OF PETITION DT. 16/10/2004.

EXT.P4: TRUE COPY OF AFFIDAVIT AND PETITION.

EXT.P5: TRUE COPY OF AFFIDAVIT AND PETITION FOR SETTIGN ASIDE EX PARTE ORDER.

EXT.P6: TRUE COPY OF AFFIDAVIT AND PETITION PRAYING FOR VACATING ATTACHMENT ORDER.

EXT.P7: TRUE COPY OF COUNTER FILED BY PETR.

EXT.P8: TRUE COPY OF ORDER DISMISSING APPLICATION FOR RESTITUTION OF CONJUGAL RIGHTS.

EXT.P9: TRUE COPY OF AFFIDAVIT DT. 6/9/2005.

EXT.P10: TRUE COPY OF N OTICE AND SCHEDULE OF AUCTION.

Kurian Joseph & A.K. Basheer, JJ.

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W.P(C) No. 17850 of 2006

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Dated this the 19th day of January, 2006.

J U D G M E N T

Kurian Joseph, J:

Petitioner is the husband and the first respondent is the wife. The challenge is against the proceedings initiated against the petitioner for recovery of the arrears of maintenance covered by Ext.P1 judgment.

2. Since Rs.30,000/- out of Rs.75,000/- had already been paid and apparently the request is only for some time for making payment of the balance amount, this writ petition is disposed of directing the petitioner to pay the balance amount of Rs.45,000/- within 6 months from today. If the payment as above is not made, the Family Court will proceed with the sale from the stage at which it is stopped.

Kurian Joseph
Judge.

A.K. Basheer
Judge.

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